

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF LANE

HILARIA RAMIREZ,

Plaintiff,

vs.

PERRY SHRIGLEY, an individual, PERRY

SHRIGLEY TRUCKING LTD., a foreign

corporation,

Defendants.

Case No.

COMPLAINT

(Personal Injury – for claim up to \$ 1,538,371)

Filing Fee: \$884 (ORS 21.160(1)(d))

**CLAIM IS / NOT SUBJECT TO
MANDATORY ARBITRATION**

DEMAND FOR JURY TRIAL

Plaintiff Hilaria Ramirez alleges:

1.

Due to the amount prayed for herein this claim is not subject to mandatory arbitration.

2.

At all times material, Plaintiff was the driver of a 2002 Toyota Sequoia. At all times material, Defendant Perry Shrigley was the driver of a semi-truck and trailer and was the owner and employee of Perry Shrigley Trucking LTD acting within the course, scope and authority of his employment or agency. At all times material, Defendant Perry Shrigley Trucking LTD., was a Canadian corporation operating an international trucking company. On information and belief, Shrigley Trucking LTD owned and operated the semi-truck and trailer being driven by Perry Shrigley.

3.

At all times material, Beltine Road was and is a public road in Lane County, Oregon.

4.

On or about May 28, 2019, at approximately 9:15 A.M., Plaintiff was traveling on Beltline Road in Eugene, Oregon. Plaintiff had slowed down for heavy traffic in front of her. Defendant Perry Shrigley did not stop and hit the back of Plaintiff's Sequoia with the semi-truck which threw Plaintiff's vehicle into another vehicle. Said collision caused Plaintiff's injuries and damages as alleged herein, all of which were reasonably foreseeable.

5.

Defendant was negligent in one or more of the following particulars, each of which created a foreseeable and unreasonable risk of injury to Plaintiff:

- (a) Failure to keep his vehicle under proper control;
- (b) Failure to keep a proper lookout; and
- (c) Failure to drive at a speed that is reasonable and prudent under the circumstances.

6.

As a result of the negligence of Defendant, Plaintiff sustained the following injuries and noneconomic damages, all of which were reasonably foreseeable, and some of which may be permanent:

- (a) Damage to the muscles, ligaments, tendons, nerves, and other soft tissue of the cervical and thoracic spine, shoulders, legs and feet;
- (b) Fractured right rib;
- (c) Traumatic brain injury with subarachnoid hemorrhage;
- (d) Multiple contusions and bruises;
- (e) Pain, discomfort, and suffering; and
- (f) Inconvenience and interference with usual and everyday activities, apart from gainful employment;

All to Plaintiff's noneconomic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of **\$1,500,000**.

7.

As a result of the negligence of Defendant, Plaintiff sustained the following economic damages, all of which were reasonably foreseeable:

(a) Reasonable and necessary medical expenses to date in the approximate sum of **\$38,371.19**;

All to Plaintiff's economic damages in the sum of **\$38,371.19**.

8.

Defendant Perry Shrigley Trucking LTD., is responsible for the torts of its agents, owners, officers and employees acting in the course and scope of their employment or agency.

WHEREFORE, Plaintiff prays for judgment against Defendant for noneconomic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of **\$1,500,000**; for economic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of **\$37,371.19**, for her costs and disbursements incurred herein, and for any other relief the Court deems appropriate.

Dated: April 20, 2021.

DWYER WILLIAMS CHERKOSS
ATTORNEYS, PC

By: 

Scott Mahady, OSB No. 064180
Of Attorney for Plaintiff
Trial Attorney: Same